International Labour Conference
82nd Session 1995

Report IV (1)

Safety and health in mines

International Labour Office Geneva

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Fourth item on the agenda

International Labour Office Geneva

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CONTENTS

	Page
INTRODUCTION	1
PROPOSED TEXTS	2
Proposed Convention concerning safety and health in mines	5
Proposed Recommendation concerning safety and health in mines	12

INTRODUCTION

On 24 June 1994 the International Labour Conference, meeting in Geneva at its 81st Session, adopted the following resolution:

> The General Conference of the International Labour Organization,
>
> Having adopted the report of the Committee appointed to consider the fifth item on the agenda,
>
> Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention and a Recommendation concerning safety and health in mines;

decides that an item entitled "Safety and health in mines" shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention and a Recommendation.

By virtue of this resolution and in accordance with article 39, paragraph 6, of the Standing Orders of the Conference, the Office is required to prepare, on the basis of the first discussion by the Conference, the texts of a proposed Convention and Recommendation and to communicate them to governments so as to reach them not later than two months from the closing of the 81st Session of the Conference, asking them to state within three months, after consulting the most representative organizations of employers and workers, whether they have any amendments to suggest or comments to make.

The purpose of the present report is to transmit to governments the texts of the proposed Convention and Recommendation based on the Conclusions adopted by the Conference at its 81st Session.

In accordance with the Standing Orders of the Conference, any amendments or comments with regard to the proposed texts should be submitted as soon as possible and in any case so as to reach the Office in Geneva not later than 30 November 1994. Governments which have no amendments or comments to put forward are asked to inform the Office by the same date whether they consider that the proposed texts are a satisfactory basis for discussion by the Conference at its 82nd Session.

In accordance with article 39, paragraph 6, of the Standing Orders, governments are requested to consult the most representative organizations of employers and workers before they finalize their replies and to indicate which organizations they have consulted. This is also required by Article 5 (1) (a) of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), for countries which have ratified this Convention. The results of the consultation should be reflected in the governments' replies.

PROPOSED TEXTS

The texts of a proposed Convention and Recommendation concerning safety and health in mines are given below. These texts are based on the Conclusions adopted by the International Labour Conference following the first discussion at its 81st Session.

In accordance with the practice established in 1988, the report of the Committee appointed by the Conference to consider this item is being communicated to member States in its entirety, together with the record of the discussion in plenary session (see *Provisional Record* Nos. 26 and 28, attached).

Some drafting changes have been made to the Conclusions adopted by the Conference in the interest of greater clarity. The Drafting Committee of the Committee on Safety and Health in Mines decided to limit these changes to bringing the English and French versions of the instruments into line with each other as it felt that its mandate did not empower it to change the substantive provisions which had been agreed upon by the Conference Committee. The Office renumbered some provisions of the proposed instruments so as to ensure that those provisions dealing with the same subject-matter were dealt with together and reformulated some of them to make the text more readable. In addition, the Paragraphs in the proposed Recommendation were placed in the corresponding numerical order of the proposed Convention.

The major changes are commented on below. The Office considers it particularly important to mention these points so that Members can reflect on them as soon as possible and submit their comments for inclusion in Report IV (2), which the Office is required to prepare in accordance with article 39, paragraph 7, of the Standing Orders of the Conference. The Members' replies will be very useful for the second discussion of the item by the Conference.

Proposed Convention

Preamble

The Office wishes to draw attention to the "right to participation" included in the fourth paragraph of the Preamble. It considers that there is a need to specify the nature of that participation in the context of this paragraph. The existing reference to "participation . . . concerning the hazards and risks . . ." is not sufficiently clear. Although no change was proposed to that paragraph of the Preamble, the Office inserted the word "in" after the word "participate" and "measures relating to" after "be consulted on" in Article 5.2 (f) for reasons of clarity.

Articles 2 and 3

The Office suggests changing Article 2.2 to read "After consultation with the most ...". This would be consistent with the wording in Article 3 of the proposed Convention and Paragraph 4 of the proposed Recommendation, and with similar formulations in Conventions Nos. 161 and 162. The term "competent authority" in Article 2, paragraph 2, and throughout the proposed Convention, has been used in the singular on the understanding that it could include the plural where appropriate.

Article 4, paragraph 2

The Office wishes to draw attention to the ambiguity in the words "as determined by the competent authority" which could suggest that the competent authority is to determine the content of the standards, etc., or is only to identify those standards, etc., which are to apply. No change was proposed by the Office at this stage, but the Conference may wish to clarify what is intended.

Article 5

This Article has been restructed to make it more readable. The Office draws attention to the concepts to be defined in paragraph 2, subparagraphs (c) and (d), of the Article. Although a comma has been inserted after the word "occurrences", there is still room for ambiguity as to what is being defined. A simpler construction of the concepts to be defined would make the text clearer, particularly since subparagraph (c) refers to "fatal and serious accidents" and (d) more generally to "accidents".

Article 8

The Office wishes to draw attention to the fact that the meaning of the words "and facilities" in clause (c) is not very clear. It would suggest their deletion in the final text.

Article 9

The word "safety" after the word "comprehensible" in clause (a) was deleted as it was considered superfluous in the construction of the sentence.

Article 12, paragraphs 1 and 3

In paragraph 1 the word "mine" before "workers" was deleted by the Office in the first line in order to ensure uniformity of the reference to "workers" in the proposed Convention, taking account of the subject-matter it addresses.

In paragraph 3, the Office proposes, in line with the comments made under Articles 2 and 3 above, to replace the words "through consultations between ...".

by the words "in consultation with". This would also avoid a possible logical inconsistency that such procedures be simultaneously established by consultations *and* by national laws and regulations.

Proposed Recommendation

The proposed Recommendation has not sought to repeat all of the provisions of the proposed Convention since the Recommendation is intended to be read in conjunction with the Convention and to supplement the latter's provisions, amplifying them where necessary.

Paragraph 1

The Office has reordered the provision and added the phrase "supplement those of the Convention" in the light of the discussion in the Conference Committee. The provisions of the proposed Convention that are not reproduced in the Recommendation should thus be taken into account by the competent authority in giving effect to the Recommendation.

Paragraph 9, clause (j)

The Office has restructured this clause so as to clarify its understanding that both transport and medical attention are to be provided at no cost to the worker.

Paragraph 11, clause (b)

The word "the" was inserted before the words "mining methods", and the phrase "are undertaken that" was deleted by the Office for linguistic improvements of the text.

Paragraph 12

This Paragraph has been slightly reworded by replacing the word "ensure" by "maintain" as being more correct in this context, and by inserting "an atmosphere" after "maintain" in the introductory sentence, thereby avoiding the repetition of the word "atmosphere" in the clauses.

Paragraphs 16 and 19, clause (a)

The Office notes that the word "plant" appears in these two Paragraphs, whereas in Article 1.1. (b) of the proposed Convention, which defines the coverage of "mine", no reference is made to that concept. The question arises as to whether there was a specific intention to extend the coverage in the proposed Recommendation.

Paragraph 18

The Office draws attention to repetition in clauses (b) and (c) of the words "toxic, noxious ... gases" and would suggest a deletion of the words "noxious and toxic gases and" in clause (c).

Paragraph 24

The word "procedures" was replaced by "provisions" to accord with the term "requirements" in that paragraph.

Paragraph 26, subparagraph (2)

In clause (a) the word "and" was inserted after the word "workers" and the words "to conduct" were inserted after the words "including powers" for linguistic clarity. For the same reason in clause (g) the words "of accidents and dangerous occurrences" were inserted after the word "investigation".

Paragraph 28

The words "or by the competent authority" after the word "regulations" were deleted by the Office as they were considered to be covered by the reference to "national laws and regulations".

Proposed Convention concerning safety and health in mines

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-second Session on June 1995, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Abolition of Forced Labour Convention, 1957; the Radiation Protection Convention and Recommendation, 1960; the Guarding of Machinery Convention and Recommendation, 1963; the Minimum Age (Underground Work) Convention and Recommendation, 1965; the Medical Examination of Young Persons (Underground Work) Convention, 1965; the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977; the Occupational Safety and Health Convention and Recommendation, 1981; the Occupational Health Services Convention and Recommendation, 1985; the Asbestos Convention and Recommendation, 1986; the Safety and Health in Construction Convention and Recommendation, 1988; the Chemicals Convention and Recommendation, 1990; and the Prevention of Major Industrial Accidents Convention and Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, genuine consultation on, participation[1] and training concerning the hazards and risks they face in the mining industry, and

Recognizing that it is essential to prevent, or reduce the incidence of, fatalities, illnesses and injuries in the mining industry, and

Further considering that the provision of safe mining conditions enhances the protection of the general public and the environment, and

Having regard to the need for cooperation between the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and other relevant institutions and noting the relevant instruments, codes of practice, codes and guidelines issued by these organizations, and

Having decided upon the adoption of certain proposals with regard to safety and health in mines, which is the item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this day of June of the year one thousand nine hundred and ninety-five the following Convention, which may be cited as the Safety and Health in Mines Convention, 1995:

I. Definitions

Article 1

For the purposes of this Convention:

1. The term "mine" covers:

(a) surface or underground sites where the following activities, in particular, take place:

(i) exploration for minerals involving the mechanical disturbance of the ground or the extraction of minerals;

(ii) preparation, including crushing, grinding, concentration or washing of the extracted minerals; and

(b) all machinery, equipment, appliances, buildings and civil engineering structures used in conjunction with the activities referred to in (a) above.

2. The term "employer" means any physical or legal person who employs or who contracts for the services of one or more workers in a mine and, as the context requires, a contractor.

[1] See Office comment on p. 2.

II. Scope and means of application

Article 2

1. This Convention applies to all mines.

2. After consulting[1] the most representative organizations of employers and workers concerned, the competent authority of a Member which ratifies the Convention:

(a) may exclude from the application of the Convention certain categories of mines according to criteria to be established by the competent authority so long as the safety and health of workers are not compromised;

(b) shall, in the case of the exclusion of certain categories of mines pursuant to clause (a) above, make plans for progressively covering all mines.

3. A Member which ratifies the Convention and avails itself of the possibility afforded in paragraph 2 (a) above, shall indicate in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any particular category of mines thus excluded and the reasons for the exclusion.

Article 3

In the light of national conditions and practice and after consultation with the most representative organizations of employers and workers concerned, a Member shall formulate, carry out and periodically review a coherent policy on safety and health in mines, particularly with regard to the measures to give effect to the provisions of this Convention.

Article 4

1. The measures for ensuring application of the Convention shall be prescribed by national laws and regulations.

2. Where appropriate, these national laws and regulations shall be supplemented by technical standards, guidelines or codes of practice, as determined by the competent authority.[1]

Article 5

1. National laws and regulations pursuant to Article 4, paragraph 1, shall designate the competent authority to monitor and regulate the various aspects of safety and health in mines.

2. Such national laws and regulations shall provide for:

(a) the supervision of safety and health in mines;

(b) the inspection of mines;

[1] See Office comment on p. 3.

(c) the procedures for reporting and investigating fatal and serious accidents and dangerous occurrences, as defined by such national laws or regulations, as well as mine disasters;

(d) the compilation and publication of statistics on accidents and dangerous occurrences, as defined by such national laws or regulations, as well as on occupational diseases;[1]

(e) the power of the competent authority to suspend or restrict mining activities on safety and health grounds, until such time as the condition giving rise to the suspension or restriction has been corrected;

(f) the establishment of effective procedures to ensure the implementation of the right of workers and their representatives to participate in and be consulted on measures relating to safety and health at the workplace.[2]

3. Such national laws and regulations shall:

(a) provide that the storage, transport and use of explosives and initiating devices shall be carried out by or under the direct supervision of trained and authorized persons;

(b) specify:

(i) requirements relating to mine rescue, first aid and appropriate medical facilities;

(ii) an obligation to provide self-rescue respiratory devices for workers in underground coal mines and, where necessary, for workers in underground non-coal mines;

(iii) protective measures for the securing of abandoned mine workings so as to minimize risks to safety and health; and

(iv) requirements for the safe storage, transportation and disposal of waste.

4. Such national laws and regulations shall also provide that employers prepare appropriate plans of workings before the start of operation and in the event of any significant modification, bring such plans up to date periodically and keep them available at the mine site.

III. Preventive and protective measures at the mine responsibilities of employers

Article 6

Employers shall take all necessary measures to eliminate or minimize the risks to safety and health in mines under their control, and in particular:

(a) ensure that the mine is designed, constructed and provided with electrical, mechanical and other equipment, including a communication system, to secure safety in its operation and a healthy working environment;

[1] See Office comment on p. 3.

[2] In addition, see Office comment on p. 2 under the Preamble to the proposed Convention.

(b) ensure that the mine is commissioned, operated, maintained and decommissioned in such a way that workers can perform the work assigned to them without endangering their safety and health or that of other persons;

(c) take steps to maintain the stability of the ground in areas where persons have access in the context of their work;

(d) whenever practicable, provide, from every underground workplace, two exits, each of which is connected to separate means of egress to the surface;

(e) ensure the monitoring, assessment and regular inspection of the working environment to identify the various hazards to which the workers may be exposed and to assess their level of exposure;

(f) ensure adequate ventilation for all underground workings to which access is permitted;

(g) in respect of zones susceptible to particular hazards, draw up and implement an operating plan and procedures to ensure a safe system of work and the protection of workers;

(h) take measures and precautions appropriate to the nature of a mine operation to prevent, detect and combat the start and spread of fires and explosions; and

(i) ensure that when there is serious danger to the safety and health of workers, operations are stopped and workers are evacuated to a safe location.

Article 7

The employer shall prepare an emergency response plan, specific to each mine, for reasonably foreseeable industrial and natural disasters.

Article 8

Where workers are exposed to physical, chemical or biological hazards the employer shall:

(a) inform the workers of the hazards associated with their work and of the health risks involved;

(b) take appropriate measures to eliminate or minimize the risks resulting from exposure to those hazards;

(c) provide and maintain at no cost to the worker suitable protective equipment, clothing and facilities,[1] where adequate protection against risk of accident or injury to health, including exposure to adverse conditions, cannot be ensured by other means; and

(d) provide injured workers with appropriate transportation and access to appropriate medical facilities.

[1] See Office comment on p. 3.

Article 9

The employer shall ensure that:

(a) adequate training and retraining programmes and comprehensible instructions are provided for workers on safety and health matters, as well as on the work assigned;[1]

(b) in accordance with national laws and regulations, adequate supervision and control on each shift are provided to secure the safe operation of the mine;

(c) a system is established so that the names of all persons who are underground, as well as their probable location, can be accurately known at any time; and

(d) all accidents and dangerous occurrences, as defined by national laws or regulations, are investigated in accordance therewith, appropriate remedial action is taken and a report is made to the competent authority.

Article 10

On the basis of general principles of occupational health and in accordance with national laws and regulations, the employer shall ensure the provision of regular health surveillance of workers' exposure to occupational health hazards specific to mining.

Article 11

Whenever two or more employers undertake activities at the same mine, they shall coordinate the implementation of all measures concerning the safety and health of workers. The employer in charge of the mine shall undertake this coordination and be held primarily responsible for the safety of the operations.

RIGHTS AND RESPONSIBILITIES OF WORKERS AND THEIR REPRESENTATIVES

Article 12

1. National laws and regulations pursuant to Article 4 shall provide workers with the following rights:[1]

(a) to report accidents and hazards to the employer and to the competent authority;

(b) to have, at their request, inspections and investigations done by the employer and the competent authority;

(c) to know and be informed of hazards that may affect their safety or health;

(d) to obtain information relevant to their safety or health, held by the employer or the competent authority;

[1] See Office comment on p. 3.

(e) to remove themselves from any location at the mine in the event that circumstances arise which appear, with reasonable justification, to pose a serious danger to their safety or health;

(f) to collectively select safety and health representatives.

2. The safety and health representatives referred to in paragraph (1) (f) above shall have the following rights:

(a) to represent workers on all aspects of safety and health' including the exercise of the rights in paragraph (1) above;

(b) to conduct inspections and investigations and participate in those conducted by the employer and the competent authority;

(c) to have recourse to advisers and independent experts;

(d) to consult with the employer in a timely fashion on safety and health matters, including policies and procedures;

(e) to consult with the competent authority; and

(f) to receive notice of accidents and dangerous occurrences, as defined by national laws or regulations.

3. The procedures for the exercise of the rights in paragraphs (1) and (2) above shall be established by national laws and regulations and through consultations between employers, workers and their representatives.[1]

4. National laws and regulations shall provide that the rights in paragraphs (1) and (2) above be exercised without discrimination or retaliation.

Article 13

National laws and regulations shall provide that workers shall have the duty, in accordance with their training, to:

(a) comply with prescribed safety and health measures;

(b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work, including the proper use of facilities and equipment placed at their disposal for this purpose; and

(c) report forthwith to their immediate supervisor any situation which they believe could present a risk, and which they cannot properly deal with themselves.

COOPERATION

Article 14

Measures shall be taken, in accordance with national laws and regulations, to encourage cooperation between employers and workers and their representatives to promote safety and health in mines.

[1] See Office comment on p. 3.

IV. Implementation

Article 15

Each Member shall:

(a) take all necessary measures, including the provision of appropriate penalties and corrective measures, to ensure the effective enforcement of the provisions of this Convention; and

(b) provide appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention and provide these services with the resources necessary for the accomplishment of their task.

Proposed Recommendation concerning safety and health in mines

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-second Session on June 1995, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Abolition of Forced Labour Convention, 1957; the Radiation Protection Convention and Recommendation, 1960; the Guarding of Machinery Convention and Recommendation, 1963; the Minimum Age (Underground Work) Convention and Recommendation, 1965; the Medical Examination of Young Persons (Underground Work) Convention, 1965; the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977; the Occupational Safety and Health Convention and Recommendation, 1981; the Occupational Health Services Convention and Recommendation, 1985; the Asbestos Convention and Recommendation, 1986; the Safety and Health in Construction Convention and Recommendation, 1988; the Chemicals Convention and Recommendation, 1990; and the Prevention of Major Industrial Accidents Convention and Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, genuine consultation, participation[1] and training concerning the hazards and risks they face in the mining industry, and

Recognizing that it is essential to prevent or reduce the incidence of fatalities, illnesses and injuries in the mining industry, and

Further considering that the provision of safe mining conditions enhances the protection of the general public and the environment, and

Having regard to the need for cooperation between the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and other relevant institutions and noting the relevant instruments, codes of practice, codes and guidelines promulgated by these organizations, and

[1] See Office comment on p. 2 under the Preamble.

Having decided upon the adoption of certain proposals with regard to safety and health in mines, which is the item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Safety and Health in Mines Convention;

adopts this day of June of the year one thousand nine hundred and ninety-five the following Recommendation, which may be cited as the Safety and Health in Mines Recommendation, 1995:

1. The provisions of this Recommendation supplement those of the Safety and Health in Mines Convention, 1995 (hereafter referred to as "the Convention") and should be applied in conjunction with them.[1]

I. Scope[1]

2. This Recommendation applies to all mines.

3. The criteria referred to in Article 2, paragraph 2 (b), of the Convention as a basis for the exclusion of certain categories of mines could include:

(a) the nature of the problems which may justify such exclusion;

(b) the existence of alternative measures to ensure that the safety and health of workers are not compromised.

II. General provisions

4. (1) In the light of national conditions and practice and after consultation with the most representative organizations of employers and workers concerned, a Member should formulate, carry out and periodically review a coherent policy on safety and health in mines.

(2) The consultations provided for by Article 3 of the Convention should include consultations with the most representative organizations of employers and workers on the effect of the length of working hours, night work and shift work on workers' safety and health. After such consultations, a Member should take the necessary measures in relation to working time and, in particular, to maximum daily working hours and minimum daily rest periods.

5. The competent authority should have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, investigate, assess and advise on the matters dealt with in the Convention and to ensure compliance with national laws and regulations.

6. Measures should be taken to encourage and promote:

(a) research into and exchange of information on safety and health in mines at the national and international level; and

(b) specific assistance to small mines with a view to assisting in transfer of technical know-how, establishing preventive safety and health programmes

[1] See Office comment on p. 4.

and encouraging cooperation and consultation with workers and their representatives.

III. Preventive and protective measures at the mine

7. Requirements relating to the supervision of safety and health in mines in pursuance of Article 5, paragraph (2), of the Convention could include those concerning:

(a) certification and training;

(b) inspection of the mine, mining equipment and installations on behalf of the employer;

(c) supervision of the handling, transportation, storage and use of explosives;

(d) performance of work on electrical equipment and installations;

(e) supervision of workers.

8. In pursuance of Article 5, paragraph (3) (b), of the Convention, requirements could cover the obligations of the suppliers of mining equipment and appliances in regard to the safe labelling of products and clarity of instructions.

9. Requirements relating to mine rescue and first aid pursuant to Article 5, paragraph 3 (b) (i), of the Convention could include:

(a) organizational arrangements;

(b) equipment to be provided;

(c) the appropriate number of trained persons available;

(d) standards for training;

(e) training of workers and participation in drills;

(f) an appropriate communication system;

(g) a warning system to enable safe escape;

(h) provision and maintenance of means of escape and rescue;

(i) establishment of a mine rescue team, periodic medical assessment of suitability of, and regular training for, the persons on the mine rescue team;

(j) for workers who have suffered an injury or illness at the workplace, transportation to receive medical attention at no cost to the worker;[1]

(k) measures to promote international cooperation in this field.

10. In pursuance of Article 5, paragraph 3 (b) (ii), of the Convention, requirements could include the specifications of the type of self-rescuers to be provided, and in particular, in the case of mines susceptible to gas outbursts, the provision of self-contained respiratory devices.

11. In order to maintain the stability of the ground in accordance with Article 6 (c) of the Convention, the employer should take measures to:

[1] See Office comment on p. 4.

(a) monitor and control the movement of strata;

(b) as may be necessary, provide effective support of the roof, sides and floor of the mine workings, except for those areas where the mining methods involve the controlled collapse of the ground;[1]

(c) monitor and control the sides of surface mines to prevent material from falling or sliding into the pit and endangering workers; and

(d) ensure that dams, lagoons, tailings and other such impoundments are adequately designed and controlled to prevent dangers from sliding material or collapse.

12. Pursuant to Article 6 (f) of the Convention, all underground mine workings to which workers have access, and other areas as necessary, should be ventilated in an appropriate manner to maintain an atmosphere:

(a) that complies with national standards on dusts, gases and climatic conditions;

(b) in which the risk of explosions is kept under control; and

(c) in which working conditions are adequate while work is in progress, having regard to the working method being used and the physical demands placed on the workers.[1]

13. The particular hazards referred to in Article 6 (g) of the Convention requiring an operating plan might include:

(a) underground mine fires;

(b) gas outbursts;

(c) rockbursts;

(d) an inrush of water or semi-solids;

(e) rockfalls;

(f) susceptibility of areas to seismic movements;

(g) hazards related to work carried out near dangerous openings or under extremely difficult geological circumstances.

14. Measures that employers could take pursuant to Article 6 (h) of the Convention should include, where applicable, prohibiting persons from carrying underground any item, object or substance which could initiate a fire, explosion or dangerous occurrence.

15. Pursuant to Article 6 (i) of the Convention, where appropriate, mine facilities should include sufficient fire-proof and self-contained chambers to provide refuge for workers in the event of an emergency.

16. All persons should have a duty to (a) refrain from arbitrarily disconnecting, changing or removing safety devices fitted to machinery, equipment, appliances, tools, plant[1] and buildings, and to (b) use such safety devices correctly.

[1] See Office comment on p. 4.

17. The emergency response plan referred to in Article 7 of the Convention might include:

(a) effective site emergency plans;

(b) provision for the cessation of work and evacuation of the workforce in the event of an emergency;

(c) adequate training in emergency procedures and in the use of equipment;

(d) adequate protection of the public and the environment;

(e) provision of information to, and consultation with, appropriate bodies and organizations.

18. The hazards referred to in Article 8 of the Convention might include:

(a) airborne dusts;

(b) flammable, toxic, noxious and other mine gases;

(c) noxious and toxic gases and fumes and hazardous chemicals;[1]

(d) radiation from rock strata, equipment or other sources;

(e) noise and vibration;

(f) extreme temperatures;

(g) insufficient lighting or ventilation;

(h) hazards related to work carried out at high altitudes or extreme depths;

(i) hazards associated with manual handling;

(j) high levels of humidity;

(k) exhaust fumes from diesel equipment;

(l) oxygen deficiency;

(m) hazards resulting from a combination of the above.

19. The measures referred to in Article 8 of the Convention might comprise:

(a) technical and organizational measures applied to relevant mining activities, or to the plant,[2] machinery, equipment, appliances or structures;

(b) where it is not possible to have recourse to the measures referred to in (a) above, other effective measures, including the use of personal protective equipment and protective clothing at no cost to the worker;

(c) where reproductive health hazards and risks have been identified, special organizational, training and technical measures, including the right to alternative work, where appropriate, without any loss of salary, especially during health risk periods such as pregnancy and breast-feeding;

(d) regular monitoring and inspection of areas where hazards are present or likely to be present.

20. In implementing Article 9 (b) of the Convention, employers should:

(a) ensure pre-shift inspections of each workplace and of the machinery, equipment and appliances therein; and

[1] See Office comment on p. 5.

[2] See Office comment on p. 4.

(b) keep written records of pre-shift inspections, defects and corrective measures and make such records available at the mine.

21. Where appropriate, the programme of health surveillance contained in Article 10 of the Convention should, at no cost to the worker and without any discrimination or retaliation:

(a) provide the opportunity to undergo medical examination prior to or just after commencing work and thereafter on a continuing basis; and

(b) provide, where possible, for reintegration or rehabilitation of workers unable to undertake their normal duties due to occupational injury or illness.

22. Arrangements pursuant to Article 11 of the Convention for coordination among several employers undertaking activities at the same mine should be such that:

(a) the employer who, in accordance with national laws and regulations, is in charge of the mine should be responsible for coordinating the implementation of all the measures concerning the safety and health of the workers;

(b) the coordination referred to in (a) above should not affect the responsibility of the individual employer for the safety and health of workers placed under his or her authority, or for any matter under the control of the employer.

23. Pursuant to Article 12 of the Convention, the information that workers and their representatives are to receive should include where appropriate:

(a) reports of inspections conducted by the competent authority or the employer, including inspections of machinery or equipment;

(b) copies of orders or instructions issued by the competent authority in respect of safety and health matters;

(c) reports of accidents, injuries, instances of ill health and other occurrences affecting safety and health prepared by the competent authority or the employer;

(d) information and notices on all hazards at work including hazardous, toxic or harmful materials, agents or substances used at the mine;

(e) any other documentation concerning safety and health that the employer is required to maintain;

(f) immediate notification of accidents and other dangerous occurrences;

(g) where practicable, notice of any visit to the mine by the competent authority; and

(h) any health studies conducted in respect of hazards present in the workplace.

24. Provisions[1] made pursuant to Article 12, paragraph 1 (e), of the Convention could include requirements for:

(a) notification of supervisors and safety and health representatives of the danger;

[1] See Office comment on p. 5.

(b) participation by senior representatives of the employer and representatives of the workers in endeavouring to resolve the issue;

(c) participation, where necessary, by a representative of the competent authority to assist in resolution of the issue;

(d) non-loss of pay for the worker and, where appropriate, assignment to suitable alternative work;

(e) notification of any worker who is requested to perform work in the area concerned of the danger and of the fact that another worker has refused to work there.

25. Pursuant to Article 12, paragraph 2, of the Convention, the rights afforded to safety and health representatives should include, where appropriate:

(a) the right to appropriate training during working time, without loss of pay, on their rights and functions as a safety and health representative and on safety and health matters;

(b) the right of access to appropriate facilities necessary to perform their functions;

(c) the right to receive their normal pay for all time spent exercising their rights and performing their functions as safety and health representatives; and

(d) the right to assist and advise a worker who has withdrawn from a workplace because he or she believes his or her health or safety is endangered.

26. (1) Cooperation between employers, workers and their representatives as provided for in Article 14 of the Convention, as well as consultations between them, should be organized to promote safety and health in mines.

(2) Measures to this effect should include:

(a) the establishment of safety and health committees, with equal representation of employers and workers, and having such powers and functions as may be prescribed, including powers to conduct joint and regular inspections;[1]

(b) the appointment by the employer of suitably qualified and experienced persons to promote safety and health;

(c) the training of workers and their safety and health representatives;

(d) the provision of safety and health awareness programmes for workers;

(e) the exchange of information and experience on safety and health in mines;

(f) the consultation of workers and their representatives by the employer in establishing safety and health policy and procedures; and

(g) the involvement of workers' representatives in the investigation of accidents and dangerous occurrences, as provided in Article 9(d) of the Convention.[1]

[1] See Office comments on p. 5.

27. Where appropriate, employers should provide and maintain:

(a) sufficient and suitable toilets, showers, wash-basins and changing facilities which are, where appropriate, gender-specific;

(b) adequate facilities for the storage, laundering and drying of clothes;

(c) adequate supplies of potable drinking-water in suitable places; and

(d) adequate and hygienic accommodation for taking meals.

28. An employer should not discriminate or retaliate against any worker who exercises rights provided by national laws and regulations, or agreed upon by the employer and the representatives of the workers.[1]

29. Due regard should be given to the possible impact of mining activity on the surrounding environment and on the safety of the public. In particular this should include the control of subsidence, vibration, harmful contaminants in the water, air or soil and the safe and effective management of waste tips and rehabilitation of mine sites.

[1] See Office comments on p. 5.

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